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Review of the efficiency of the administrative and financial functioning of the United Nations

Gratis personnel provided by Governments and other entities

Report of the Secretary-General

I. Introduction

1. The present report is submitted in response to General Assembly resolution 51/243 of 15 September 1997, by which the Secretary-General was requested, *inter alia*, to revise the draft guidelines set out in his prior reports on gratis personnel provided by Governments and other entities (A/51/688 and Corr. 1, A/51/688/Add.3) in accordance with the provisions of the resolution, and to submit the revised guidelines, through the Advisory Committee on Administrative and Budgetary Questions, for the approval of the General Assembly at the main part of its fifty-second regular session.

2. The plan to phase out type II gratis personnel who fall outside the scope of paragraph 4 of resolution 51/243 is the object of a separate report.

II. Scope of the revised guidelines

3. The revised guidelines will apply prospectively to type II gratis personnel, who may be accepted only in accordance with the conditions set out in resolution 51/243.

4. The guidelines will not apply to type I gratis personnel, who are governed by established regimes in place for a number of years. Type I gratis personnel includes Junior Professional Officers and associate experts, interns, and personnel on non-reimbursable loans performing technical cooperation activities (A/51/688 and Corr.1, paras. 16-23). This third category is governed by administrative instruction ST/AI/231/Rev.1 of 23 January 1991, which will also apply to gratis personnel performing functions of a purely technical and operational nature funded through voluntary contributions.

III. Revised guidelines for type II gratis personnel

Conditions under which gratis personnel may be accepted

5. Paragraph 4 of General Assembly resolution 51/243 sets out the conditions under which the Secretary-General may accept type II gratis personnel:

(a) After the approval of a budget, to provide expertise not available within the Organization for very specialized functions, as identified by the Secretary-General, and for a limited and specified period of time;

(b) To provide temporary and urgent assistance in the case of new and/or expanded mandates of the

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Organization, pending a decision by the General Assembly on the level of resources required to implement those mandates.

Member States to be informed

6. At the time of preparation of a budget, when it is foreseen that under that budget there will be needs which fulfil the conditions of paragraph 4 (a) of resolution 51/243, the relevant department or office will approach all Member States to inform them of the specific needs to be met by type II gratis personnel. Member States will be requested to identify within two months individual(s) who could provide the required expertise.

7. In the case of new or expanded legislative mandates for which gratis personnel may be required under paragraph 4 (b) of the resolution, all Member States will be informed of the needs to be met on a temporary and urgent basis and will be requested to identify individual(s) who could provide the required assistance within a period consistent with the urgency of the need in question.

Selection

8. All nominees will be evaluated by the requesting department to ascertain that the best qualified nominee is selected on the basis of standards established by the United Nations in terms of qualifications, experience and other relevant factors, taking into account the date of availability of the nominees. The Office of Human Resources Management will provide appropriate guidelines to programme managers. When selecting a nominee, due regard will be paid to the importance of ensuring that gratis personnel are obtained from as wide a geographical basis as possible.

Functions

9. Gratis personnel may not supervise staff members in the exercise of their official duties or be involved in decisions affecting the status, rights and entitlements of staff members.

10. The specific functions must meet the conditions contained in paragraph 4 of resolution 51/243 (see para. 5 above).

Duration of functions

11. Gratis personnel accepted under paragraph 4 (a) of resolution 51/243 may be accepted after the approval of a budget for an initial period of up to one year to discharge very specialized functions for which expertise is not required on a continuing basis in the Secretariat. The situation will be reviewed closely at the time of preparation of each subsequent budget to determine whether the functions remain so specialized that it is still not appropriate for the Secretariat to build up the necessary expertise.

12. Gratis personnel accepted under paragraph 4 (b) of the resolution for new or expanded mandates before a budget has been approved may serve for a period ending six months after the anticipated date of approval of the relevant budget, to allow staff to be recruited after the budget has been approved. Staff will be recruited as soon as possible, so as to provide for a "hand-over" period from the gratis personnel to the new staff member(s).

Status

13. Gratis personnel, while performing functions for the Organization, will have the status of experts on mission for the purposes of the Convention on the Privileges and Immunities of the United Nations.[1] The status of experts on mission is defined in article VI, sections 22 and 23, of that Convention.

Remuneration, medical and life insurance, pension and other social security benefits

14. All expenses in connection with the services of gratis personnel, including salaries, allowances and benefits to which the individuals involved are entitled, and travel costs to and from the location where the gratis personnel are based will be paid by the donor. During the entire period of service under the agreement, the donor will also ensure that gratis personnel are covered by adequate medical and life insurance, as well as insurance coverage for illness, disability or death incurred in the service of the United Nations.

15. Costs incurred by type II gratis personnel undertaking official travel in the discharge of their functions will be paid by the United Nations on the same basis as costs incurred by staff members, including payment of daily or mission subsistence allowance, as applicable.

Annual leave

16. Annual leave may be taken by gratis personnel in accordance with their terms of service with the donor but may not exceed leave entitlements of staff members. Accordingly, gratis personnel accepted for a period of six months or less may be granted leave up to a maximum of one and one half days for each full month of continuous service. Gratis personnel accepted for a period of more than six months and personnel whose services are extended beyond

six months may be granted leave up to a maximum of two and one half days for each full month of continuous service.

17. Leave plans must be approved in advance by, or on behalf of, the head of the department or office concerned.

Performance of services

18. Gratis personnel will perform their functions under the authority and in full compliance with the instructions of the appropriate official in the department or office concerned, and any person acting on his or her behalf. They will be required to observe all applicable regulations, rules, instructions, procedures and directives relevant to the performance of their functions.

19. The performance of the functions assigned to gratis personnel will be evaluated in accordance with the principles of the performance appraisal system.

Standards of conduct

20. Gratis personnel will have the duty to respect the impartiality and independence of the United Nations Secretariat and of the receiving office and will be precluded from seeking or accepting instructions regarding the services performed under the agreement from any Government or from any authority external to the Organization. They must refrain from any conduct which would adversely reflect on the United Nations or on the receiving office and may not engage in any activity which is incompatible with the aims and objectives of the United Nations.

21. Gratis personnel will be required to exercise the utmost discretion in all matters relating to their functions. Unless otherwise authorized by the appropriate official in the receiving office, they may not communicate at any time to the media or to any institution, person, Government or other external authority any information that has not been made public and which has become known to them by reason of their association with the United Nations or the receiving office. They may not use any such information without the written authorization of the appropriate official and such information may never be used for personal gain. These obligations will continue after the end of their service with the United Nations.

Accountability

22. Unsatisfactory performance or failure to conform to the standards of conduct set out above will lead to termination of service, for cause, at the initiative of the United Nations. One month's notice will be given.

23. However, any serious breach of the duties and obligations which, in the view of the Secretary-General, would justify separation before the end of the notice period will be immediately reported to the donor, with a view to obtaining agreement on an immediate cessation of service.

24. The donor will reimburse the United Nations for financial loss or for damage to United Nations-owned equipment or property caused by gratis personnel provided by the donor if such loss or damage (a) occurred outside the performance of services with the United Nations, or (b) arose or resulted from gross negligence or wilful misconduct or violation or reckless disregard of applicable rules and policies by such gratis personnel.[2]

Third-party claims

25. The United Nations will be responsible for dealing with claims by third parties where the loss of or damage to their property, or death or personal injury, was caused by the actions or omissions of the gratis personnel in the performance of services to the United Nations under the agreement with the donor. However, if the loss, damage, death or injury arose from gross negligence or wilful misconduct of the gratis personnel provided by the donor, the donor will be liable for handling and settling such claims.[3]

Agreement with the United Nations

26. The respective obligations of the United Nations, donors and gratis personnel will be clearly specified in a formal agreement between the United Nations and the donor. The individuals who are to serve as type II gratis personnel play no part in negotiating the basic agreement between the United Nations and the donor. They will serve under the terms agreed upon by the United Nations and the donor, including full and direct remuneration by the donor.

27. The essential duties and obligations that the United Nations will expect each individual brought in as gratis personnel to respect will be spelled out both in the agreement with the donor and in an individual undertaking signed by the gratis personnel.

28. The agreement will contain a provision allowing each party to terminate the agreement and/or the services of the gratis personnel provided under the agreement upon one month's written notice by the other party.

Notes

[1] United Nations, *Treaty Series*, vol. I, No. 4.

[2] Provision modelled on article 10 (Recovery), model Memorandum of Understanding between the United Nations and participating States contributing resources to a United Nations peacekeeping operation, A/51/967, annex.

[3] Provision modelled on article 9 (Claims by third parties), ibid.